Instt. II.37—50,000—27-10-41.

Home (1942) Department.

Mg. SERIES.

P. 131(E)

G.O. No. 2614

Dated 15-7-1942

[Despatch Abstract.]

Courts — Civil — Bellary — Claim of the Bellary Municipality for payment of water tax in excess of water supplied by the Civil Court, Bellary in 1925 — Sanction for payment — Refused.

2

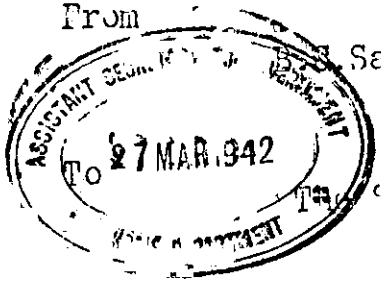
R.O.C.No.1074/42-D1.

1

11063 S 2-

From

B. Sankara Narayana Esquire, M.A.,LL.B., Bar-at-Law,
Registrar, High Court, Madras.



To

The Secretary to Government of Madras,
Home Department (with enclosures
for reference and return).

Dated the 25th March 1942.

Sir,

Subject:- Payment of arrear water tax to Municipality-
District Court, Bellary. Sanction of Government-
Recommended.

I am directed ~~therefore~~ to forward for orders of Government a copy of letter No.1549 dated 11-3-1942 with its enclosures from the District Judge, Bellary, applying for sanction for payment to the Bellary Municipality a sum of Rs. 3-13-0 being the charges relating to excess water supplied to the District Court, Bellary, for the period from 5-11-1935 to 5-12-1935.

I have the honour to be,
Sir,
Your most obedient servant.

B.C. Sankara Narayana

REGISTRAR.

A

f2 infra

AGR.

2

Copy of letter No.1549 dated 11-3-1942 from the District Judge, Bellary to The Registrar of the High Court, Madras.

Subject: Payment of cost of water supplied ~~to~~ in excess of free supply out of contingent grants of the District Court, Bellary-Sanction of Government-Requested.

I have the honour to state that the Commissioner of the Bellary Municipality has submitted a bill on 26-2-1942 for Rs.2-13-0 being the cost of water supplied from 5-11-1935 to 5-12-1935 in excess of free supply of water allowed for the District Court, Bellary. He claims the amount for the 1st time after a period of six years. Under Rule 55 of the Madras Financial Code Volume I the amount cannot be paid to the Municipality without the previous sanction of Government. A copy of the letter No.1467/42 dated 26-2-1942 together with the bill are submitted herewith for reference and return.

2. I request you kindly to obtain the sanction of Government for payment of Rs.2-13-0/ out of the contingent grant of this Court under " other contingencies".

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MGR.

3

C.No.A.4. 1467/42

Municipal Office,
Bellary, dated 26-2-1942.

From

Sri A.Raghava Reddy, B.A.,
Commissioner, Bellary Municipality, Bellary.

To

The District Judge,
Bellary.

Sir,

Sub ;- Water supply - House service connection - payment of dues - requested.

Ref:- Your letter No.1083 dated 19-2-1942.

I have herein enclosed a copy of the audit objection No.130 of 1935-36 for your information.

I request you to kindly arrange for the payment of this bill at an early date as the audit objection is pending disposal since a very long time. The mistake was noticed at the time of audit. Hence the delay in claiming the amount.

A.Raghava Reddy,
Commissioner.

True copy. Forwarded
(By order)

(sd) K.V. Subrahmanyam
Revenue Officer.

Encl:- Audit objection.

Copy of Audit objection No.130(n) of 1935-36.

Rs.2-13-0. No charge has been made for water consumed between 5-11-35 and 5-12-35. The reading on 5-12-35 is noted as 900, 600 while the previous reading on 5-11-35 was 918, 940. If the meter was out of order it should have sta been stated so and set

P.T.O.

right and a change made for average consumption of 2239 units, which amounts to Rs.2-13-0.

Please recover. Again the reading on 9-1-36 noted in Col.3 does not agree with that shown in Co.2 of the meter ledger against 5-12-35. Please explain the discrepancy.

****

(True copy)

District Court, Bellary
Dated 11---3---1942.

District judge.

11342

K.K.11.3.

Courts - civil - Bellary DS - Claim of the Bellary Municipality for payment of water tax for excess water supplied to the DS. Court, Bellary in 1935 - Sanction for payment - refused.

Read:

From the High Court, Roc. C074/42 & D. 25.3.4.

Expenses No. 2614 dated 1/7/42

The Court decline to sanction the payment to the Bellary Municipality of the sum of Rs. 2-13-0, being the charges relating excess water supplied to the DS. Court, Bellary for the period from 5.11.35 to 5-12-35, as the

ASSISTANT SECRETARY TO GOVERNMENT 22 JUL 942 HOME DEPARTMENT

66

claim of the Municipality is time barred and, therefore, inadmissible under Sec. 345 of the Madras District Municipalities Act, 1920.

p 3 n/f & Twi. note p 4 n/f. of A Fpl-2 n/f.

Jk
26/7/42

Jo.

The Hon. the C.J.
(with C.J.)
(with p 5 c/f refd).

T.S.7.42

15(7)42

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17/7

May be put away
Ar
22-7-42

22/7/42

Home Department.

C.No.11066 E 42.

From the High Court, R.O.C.No.1074/42-D1 dated 25.3.1942.

Payment of arrear water-tax to the Bellary Municipality for excess water supplied to the Dt. Court, Bellary - Sanction of Govt.

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A.S.

The claim of the Bellary Municipality for the payment of Rs.2-13-0, being the charges relating to excess water supplied to the Dt. Court, Bellary, relates to the year 1935. The bill was presented for the first time on 26.2.42, after a period of six years. The municipality has no legal claim for the payment of the amount, as it is over three years since the service was rendered, and no steps were taken for the recovery within three years of the dues - please see section 345 of the Madras District Municiplaities Act. The claim is clearly

2

time-barred as it has been made for the first time after a period of six years-cf.Art.55 of the Madras Financial Code,Vol.I. For orders whether in the circumstances sanction for the payment asked for by the Xt Judge, Bellary may be refused. L.A. and Finance may see for remarks.

1 A

Hf 22-8 of BR 1...30

A-plcf.

There was a near or less similar case in Bpeckm Pls examine the proposal with ref. to the decision arrived at in that file

31.5.42

Committee B. 7 Secs. called 1-7

1/4

2/4

4653 Home 28.10.41.

The case referred to by the Assistant Secretary was disposed of in Ab. No. 4653 Home (T) 23.10.41 of Flag (T) Reference is solicited to the note at B on p 16 and the order on p 23 of that Ab No. Note at A on pp. 1-2 ante. Follows the decision in

Office

Draw up a letter to the Govt of Madras (T) as suggested in para 3 of the note. If so, state in the letter that the case has been considered in consultation with the Finance Member.

Suitable recession as in para 3 of the note

1st/4

IV

I 1:3 (T)

Orb. no. 4656 Home d. 28.10.41.

The claim is time barred and therefore inadmissible

19.6.42

19/6

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L A

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16822

Home WA no. 11086 E/42-3

19.6.42

22 JUN 1942

SECRETARIAT, MADRAS

ASSISTANT SECRETARY TO GOVERNMENT

26 JUN 1942

HOME DEPARTMENT

L. A.

A Sec

F & P. H Deptt are concerned with excess water charges. The Home Deptt may be requested to consult that Deptt.

C.A.40 No. 16822-1A

25/6/42

23/6

23/6

3420 E

26.6.42

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Home

Home Deptt

The remarks of F & P. H + Fin are invited

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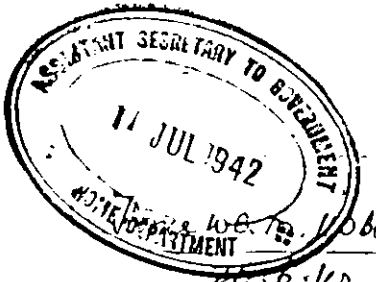
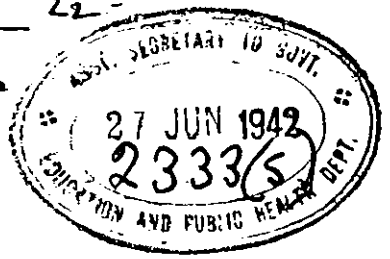
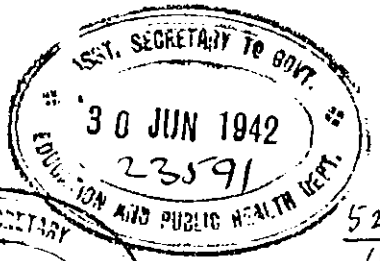
on the proposal to disallow the claim of the Ballaugh Municipality

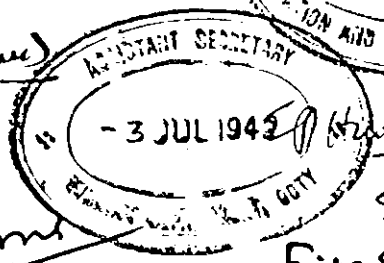


This dept. may agree with the views expressed by Home on p. 3 ante. The pl may be passed on to Fin.





Finance may also agree with the views of Home on p. 3 ante.



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23591-1

2-7-42

(C. 11066 F/42)

Home dept.

A.S.

Please see the notes of the S.P.H and the Fin. dept. at p. 4 ante. Draft order cullo. for approval.

15.7.42

15.7.42

16/7/42

16/7/42

[Issued on p. 2614 Home dt. 18.7.42]

5.6.1

5802 E
20/7/42

C.F. 32 (a).

Department

From (Name) K.N.Ganpati Esq., B.A., (Bar-at-Law),
Designation Deputy Registrar, A.S.
Station High Court, Madras.

To The Secretary to Government,
Home Department.

Received 18 JUL 1942

Registered

Enclosures:

R.O.C. No. 1074/42-D1 dated 16th July 1942.

Sir,

Payment of arrear water-tax to Municipality - District Court, Bellary - Sanction of Government - Recommended.

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I am to invite a reference to the High Court's letter R.O.C.No.1074/42-D1 dated 25-3-42 on the above subject and to enquire when a reply may be expected.

I have the honour to be,
Sir,
Your most obedient servant,

K.N.Ganpati

Deputy Registrar, A.S.

P.T.O.

Have orders been issued?
7/7/42

(vide the draft at p.1 n/A)

1106 6E
The main file was sent to Madras office for submission to J.S. on 16-7-42. This reference may lie over till the return of the main file.
AR 21-7-42.
21-7-42
PP 14
21/7/42

2

Orders have ~~been~~ already issued in G.O. 2614, Home, dated 18.7.42 May we flag (A) opp. 1. Lodged. ~~A copy stitched with the G.O.~~

AR
22.7.42

CRV
22/7/42

7/23/7/42